

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DAVID BESCHAUER,	)	
Plaintiff,	)	Civil Action No. 7:16cv00083
	)	
v.	)	
	)	
BLAND CORRECTIONAL CENTER	)	By: Elizabeth K. Dillon
MEDICAL AUTHORITY, <i>et al.</i> ,	)	United States District Judge
Defendants.	)	

**MEMORANDUM OPINION**

Plaintiff David Beschauer, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983 on February 29, 2016. Beschauer paid the filing fee in full and has not been granted leave to proceed *in forma pauperis*. On February 29, 2016, the court notified Beschauer that he was responsible for serving the complaint upon the defendants and that if he failed to effect service upon a defendant, that defendant would be dismissed without prejudice from the action. The time for service has passed, and Beschauer has not affected service upon defendants “Bland Correctional Center Medical Authority” and “Virginia Department of Corrections Medical Authority.” Accordingly, the court will dismiss these defendants from the action without prejudice.

The remaining defendants filed motions to dismiss, and the court issued notices pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005) on June 21, 2016, and July 20, 2016. The notices gave Beschauer twenty-one days to file a response to the motions and advised him that, if he did not respond, the court would “assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant[s] state[] in their responsive pleading(s).” The notices further advised Beschauer that, if he wished to continue with the case, it was “necessary that plaintiff respond in an appropriate fashion,” and that if he failed to file some

response within the time allotted, “the court may dismiss the case for failure to prosecute.”

Beschauer did not respond to any of the motions to dismiss. Therefore, the court will dismiss Beschauer’s claims against the remaining defendants without prejudice, for failure to prosecute.

An appropriate order will be entered.

Entered: January 12, 2017.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
United States District Judge